

Richard D. McCune, Esq. State Bar No. 132124  
rdm@mwtriallawyers.com  
Jae (Eddie) K. Kim, Esq., State Bar No. 236805  
jkk@mwtriallawyers.com  
MCCUNE & WRIGHT, LLP  
2068 Orange Tree Lane, Suite 216  
Redlands, California 92374  
Telephone: (909) 557-1250  
Facsimile: (909) 557-1275

Attorneys for Plaintiffs  
CLAUDIA SANCHEZ, ERIN WALKER  
and WILLIAM SMITH,

UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

CLAUDIA SANCHEZ, ERIN WALKER and  
WILLIAM SMITH, as individuals, and on behalf  
of all others similarly situated,

Plaintiffs,

v.

WELLS FARGO & COMPANY, et al.

Defendants.

Case No.: C 07-05923 WHA (JCSx)

Judge Assigned: Hon. William H. Alsup

Complaint Filed: November 21, 2007

PLAINTIFF'S REQUESTS FOR PRODUCTION  
OF DOCUMENTS PROPOUNDED TO  
DEFENDANT WELLS FARGO BANK, N.A.  
[SET ONE]

PROPOUNDING PARTY: PLAINTIFF, ERIN WALKER

RESPONDING PARTY: DEFENDANT, WELLS FARGO BANK, N.A.

SET NUMBER: ONE [Nos. 1 - 29]

Plaintiff requests that Defendant, WELLS FARGO BANK, N.A., produce within thirty days, pursuant to Fed. R. Civ. P. 34, the following Requests for Production of Documents and Things, which constitute or contain matters within the scope of Fed. R. Civ. P. 26(b). (This request for production may be satisfied by attaching copies of the requested DOCUMENTS and mailing them to the address set forth above.)

**A written response to each and every request herein must be served within 30 days of the date of service, to the Law Offices of McCUNE & WRIGHT, LLP, 2068 Orange Tree Lane, Suite 216, Redlands, CA 92374.**

-1-

Request for Production of Documents to Defendant Wells Fargo Bank, N.A.

[Set One]

No.: C 07-05923 WHA (JCSx)

**DEFINITIONS**

(1) For purposes of these Requests for Production of Documents:

a. **"ADVERTISEMENT"** shall refer to the copy, visual and audio for any radio, television, billboard, newspaper or web based advertisement.

b. **"COMPLAINT"** shall refer to either a documented verbal complaint or a written complaint of any type including letters, e-mail, and lawsuits.

c. **"CONSUMER RESEARCH"** shall refer to market research that was conducted, commissioned or obtained by Wells Fargo. This is to include surveys, focus groups, customer questionnaires and any other scientific approach to understanding customer knowledge, behavior and motivations.

d. **"CUSTOMERS"** shall refer to all Wells Fargo customers with a checking account maintained by a Wells Fargo branch located in California.

e. **"DISCLOSURE"** shall refer to any written document that is provided to each CUSTOMER as a matter of policy by Wells Fargo.

f. **"DOCUMENT"** shall refer to any written document or electronically stored information and includes writings, drawings, graphs, charts, photographs, sound recordings, images and other data or data compilations stored in any medium from which information can be obtained. This specifically includes, but is not limited to, e-mail and documents on computer databases, indexes and diskettes or hard drives which may not be currently printed on paper. A request for the production of a document should be deemed to specifically include (1) any material which was used in the preparation of any such document; (2) any and all attachments to such DOCUMENTS; (3) any and all subsequent additions, deletions, substitutions, amendments or modifications to the original of such DOCUMENT.

g. **"MULTIPLE TRANSACTION CUSTOMERS"** shall refer to CUSTOMERS who were assessed overdraft fees for multiple transactions in a single day.

h. **"PRODUCE"** shall refer to providing in the original form, all DOCUMENTS that Wells Fargo possesses or controls.

**REQUEST FOR PRODUCTION OF DOCUMENTS**

**SET ONE**

**REQUEST NO. 1:**

From January 1, 2003 to the present, please PRODUCE all COMPLAINTS from CUSTOMERS regarding being assessed an overdraft fee.

**REQUEST NO. 2:**

From January 1, 2003 to the present, please PRODUCE all COMPLAINTS from CUSTOMERS regarding being provided inaccurate "available balance" information.

**REQUEST NO. 3:**

From January 1, 2003 to the present, please PRODUCE all written communication to or from any United States regulatory body regarding Wells Fargo's practice of assessing overdraft fees.

**REQUEST NO. 4:**

From January 1, 2003 to the present, please PRODUCE all written communication to or from any United States legislative body regarding Wells Fargo's practice of assessing overdraft fees.

**REQUEST NO. 5:**

From January 1, 2003 to the present, please PRODUCE all marketing materials that refer or reference online banking.

**REQUEST NO. 6:**

From January 1, 2003 to the present, please PRODUCE all marketing materials that refer or reference "pending" transactions.

**REQUEST NO. 7:**

From January 1, 2003 to the present, please PRODUCE all marketing materials that refer or reference "available balance".

**REQUEST NO. 8:**

From January 1, 2003 to the present, please PRODUCE all marketing materials that refer or relate to how to avoid overdraft fees.

///

///

1 **REQUEST NO. 9:**

2 From January 1, 2003 to the present, please PRODUCE all DISCLOSURE DOCUMENTS that  
3 refer or relate to the term "available balance".

4 **REQUEST NO. 10:**

5 From January 1, 2003 to the present, please PRODUCE all DISCLOSURE DOCUMENTS that  
6 refer or relate to "pending" charges.

7 **REQUEST NO. 11:**

8 From January 1, 2003 to the present, please PRODUCE all DISCLOSURE DOCUMENTS that  
9 refer or relate to online banking.

10 **REQUEST NO. 12:**

11 Please PRODUCE all DOCUMENTS that refer or relate to the internal Wells Fargo procedures  
12 for processing a Debit Card transaction from the time when Wells Fargo is first notified of the  
13 prospective transaction to when the transaction is listed in an online or paper statement.

14 **REQUEST NO. 13:**

15 Please PRODUCE all DOCUMENTS that refer or relate to the internal Wells Fargo procedures  
16 for processing a Check Card transaction from the time when Wells Fargo is first notified of the  
17 prospective transaction to when the transaction is listed in an online or paper statement.

18 **REQUEST NO. 14:**

19 Please PRODUCE all DOCUMENTS that refer or relate to the internal Wells Fargo procedures  
20 for processing an ATM withdrawal transaction from the time when Wells Fargo is first notified of the  
21 prospective transaction to when the transaction is listed in an online or paper statement.

22 **REQUEST NO. 15:**

23 Please PRODUCE all DOCUMENTS created from January 1, 2003 to the present that are  
24 available to Wells Fargo CUSTOMERS that provide information about the use or accuracy of "available  
25 balance" information.

26 //

27 //

28 //

1 **REQUEST NO. 16:**

2 Please PRODUCE all DOCUMENTS created from January 1, 2003 to the present that are  
3 available to Wells Fargo CUSTOMERS that provide information about when "pending" charges are  
4 included in the "available balance" published by Wells Fargo.

5 **REQUEST NO. 17:**

6 Please PRODUCE all DOCUMENTS created from January 1, 2003 to the present that are  
7 available for Wells Fargo CUSTOMERS that provide information identifying certain types of  
8 transactions which are not posted for sometime after the transaction.

9 **REQUEST NO. 18:**

10 Please PRODUCE all DOCUMENTS created from January 1, 2003 to the present that are  
11 available for Wells Fargo CUSTOMERS that provide information identifying that "pending" charges  
12 may not be included in the "available balance" in certain circumstances.

13 **REQUEST NO. 19:**

14 Please PRODUCE all DOCUMENTS created from January 1, 2003 to the present that are  
15 available for Wells Fargo CUSTOMERS that provide information that the full charges for certain  
16 transactions, such as gas stations, car rental and hotel transactions, are not included in the "available  
17 balance" for several days.

18 **REQUEST NO. 20:**

19 From 1995 to the present, please PRODUCE all CONSUMER RESEARCH referring or relating  
20 to CUSTOMER overdrafts.

21 **REQUEST NO. 21:**

22 From 1995 to the present, please PRODUCE all CONSUMER RESEARCH referring or relating  
23 to Wells Fargo's CUSTOMERS use of "available balance" information.

24 **REQUEST NO. 22:**

25 From 1995 to the present, please PRODUCE all CONSUMER RESEARCH referring or relating  
26 to Wells Fargo's CUSTOMERS use of online banking.

27 //

28 //

1 **REQUEST NO. 23:**

2 From 1995 to the present, please PRODUCE all CONSUMER RESEARCH referring or relating  
3 to Wells Fargo's CUSTOMERS awareness of how pending charges affect "available balance"  
4 information.

5 **REQUEST NO. 24:**

6 From January 1, 2003 to the present, please PRODUCE all ADVERTISEMENTS for the Wells  
7 Fargo checking account.

8 **REQUEST NO. 25:**

9 From January 1, 2003 to the present, please PRODUCE all ADVERTISEMENTS that promoted  
10 ATM use of the Wells Fargo checking account.

11 **REQUEST NO. 26:**

12 From January 1, 2003 to the present, please PRODUCE all ADVERTISEMENTS that promoted  
13 online banking for the Wells Fargo checking account.

14 **REQUEST NO. 27:**

15 From January 1, 2003 to the present, please PRODUCE all ADVERTISEMENTS that promoted  
16 use of "available balance" information for Wells Fargo CUSTOMERS.

17 **REQUEST NO. 28:**

18 Please PRODUCE all ADVERTISEMENTS from the 2007 advertising campaign showing a  
19 Wells Fargo CUSTOMER with fingers crossed at an ATM machine.

20 **REQUEST NO. 29:**

21 Please produce all documents that identify the data fields contained and recorded in the Wells  
22 Fargo database related to individual transactions of CUSTOMERS.

23 Dated: March 20, 2008

McCUNE & WRIGHT, LLP

24 By:   
25

Richard D. McCune  
Attorneys for Plaintiffs

Case: SANCHEZ, et al. v. WELLS FARGO BANK, et. al.

PROOF OF SERVICE

STATE OF CALIFORNIA  
COUNTY OF SAN BERNARDINO

I am employed in the County of San Bernardino, State of California. I am over the age of 18 years and not a party to the within action; my business address is 2068 Orange Tree Lane, Suite 216, Redlands, California, 92374.

On March 20, 2008, I served the foregoing document described as **PLAINTIFF'S REQUEST FOR PRODUCTION OF DOCUMENTS PROPOUNDED TO DEFENDANT WELLS FARGO BANK, N.A. [SET ONE]** on the interested parties through their respective attorneys of record in this action, by placing a ☒ true copy or ☐ original thereof enclosed in sealed envelopes addressed as follows:

Sonya D. Winner, Esquire  
David M. Jolley, Esquire  
Margaret G. May, Esquire  
COVINGTON & BURLING, LLP  
One Front Street  
San Francisco, CA 94111  
Telephone: (415) 591-6000  
Facsimile: (415) 591-6091

Attorneys for Defendants

**METHOD OF SERVICE:**

- ☒ (BY MAIL) I am readily familiar with the firm's business practice for collection and processing of correspondence for mailing. Under that practice, I caused such envelopes with postage thereon fully prepaid to be placed in the United States mail at Redlands, California.
- ☐ (BY E-MAIL) By transmitting it to the following individuals by electronic mail:  
Sonya D. Winner: SWinner@cov.com  
David M. Jolley: djolley@cov.com
- ☐ (BY FAX) I caused such documents to be transmitted by facsimile to the offices of the addressee(s). The facsimile machine used complied with California Rules of Court, rule 2003, and no error was reported by the machine.
- ☐ (BY OVERNIGHT DELIVERY) I caused such document to be delivered by overnight delivery to the offices of the addressee(s).

I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made. Executed on the above-referenced date at Redlands, California.

  
Ann Marie Smith